

July 9, 2007
Seven o'clock P.M.
North Little Rock City Hall Council Chambers
300 Main Street
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, July 9, 2007, was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: NEIL BRYANT, DEBI ROSS, OLEN THOMAS, JOHN PARKER, CHARLIE HIGHT, and MURRY WITCHER a quorum was declared (6/0). Alderman CARY GAINES was running late. Alderwoman LINDA ROBINSON was absent. City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

The invocation was given by Alderman Thomas, followed by the pledge of allegiance to the flag which was also led by Alderman Thomas.

On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the minutes of a regular council meeting held on Monday, June 25, 2007, were approved, accepted and filed as prepared by the City Clerk (6/0).

On the blanket motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, communications # 1 and 2 were accepted and filed (6/0).

1. Sharon Tedford, Mayor's Office memorandum re: *retail beer off premises replacement for Sung T. Ha*, Maumelle Shell fka Sunny Mart, 10920 Maumelle Boulevard by Deborah Ann Porter.
2. Luviva Hicks, (contact person), Eastgate Terrace Resident Council President, Petition for Speed Bump on 17th Street (75 signatures).

Mayor Hays invited Ms. Nan Plummer, Arkansas Arts Center to come forward. Ms. Plummer briefly reviewed upcoming exhibits and thanked the City of North Little Rock for its continued support.

Alderman Gaines entered the council chambers at 7:10 p.m.

Mayor Hays reconvened a public hearing at 7:10 p.m., this date regarding O-07-49, amending North Little Rock Municipal Code (NLRMC) to include a Chapter on Noise Control. Mr. Carter reviewed a proposed amendment which included Sec 43.1.) a policy statement, a description/explanation of *Plainly audible*, Sec 43.3. (A) (6) regarding *building construction or repair*, new paragraph in Sec 43.3. (A) (8) (b) distance increased to 30 feet, and strike through the following paragraph, (B) strike through ~~section~~ and insert *chapter* and add (6) and (7), then (C) strike through item (1) and (2). Sec 43.5. (A) strike through portion of sentence, Table 1 increase maximum noise levels and remove industrial zones, add distance of 30 feet, PUD and strike other language, (D) add time period from 7:00 a.m. until 11:00 p.m. and transient source sounds prohibition times. Table 2, increase certain decibel levels, and under Article IV - Permits, Notice & Penalties, Sec 43.8., strike through ~~section~~ and replace with *chapter*. Ms.

Patricia Harris said some people sleep during the daytime hours. She said music could be heard from the corner of Boyer and Prothro which was over a block from her home. Ms. Mary McFadden lives on Cliffwood Circle in Scenic Hill. She said there are excessive cars and noise in her neighborhood. The cars could impair the passage of emergency vehicles. The sound is disturbing. Mr. Carter said this ordinance would apply to motor vehicular and other noise. Alderman Gaines asked about the distance and decibel level and how those were determined. Mr. Carter said some sounds carry more than others. Police who respond to noise complaints would have sound meters which measure decibels levels. Police Chief Danny Bradley advised complaints would be initiated by residents. Mr. Roger Hawkins lives in Rose City. He works for the State of Arkansas and commutes to and from work on his motorcycle, which is his primary source of transportation. He said the current decibel level on his motorcycle exhaust is 105. He has never had a complaint due to his motorcycle. Loud exhaust systems have saved lives by making other motorists aware motorcycles are in the vicinity. Mr. Hawkins suggested raising the decibel level from 88 to 98 to accommodate bike riders. Mayor Hays recessed the public hearing at 7:50 p.m. until Monday, July 23, 2007, at 7:05 p.m.

Mayor Hays convened a public hearing at 7:50 p.m., this date regarding O-07-52, amending Section 12.22 (*in its entirety*) (*Mobile Storage Containers*) of Ord. No. 7697 (*the Zoning Ordinance*). Alderman Witcher discussed the need for this ordinance and cited various examples of unsightly or unrestricted storage containers being used in residential and commercial areas of the city. The ordinance was then read a second time. Mr. Voyles said his staff has received complaints. Restrictive permits could be issued. Mayor Hays recessed the public hearing at 7:58 p.m. until Monday, July 23, 2007, at 7:05 p.m.

UNFINISHED BUSINESS

O-07-49

AN ORDINANCE AMENDING NORTH LITTLE ROCK MUNICIPAL CODE TO INCLUDE A CHAPTER ON NOISE CONTROL; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time June 11, 2007. A public hearing was held June 25, 2007 and recessed until this date (see above). During the public hearing a motion to adopt was made by Alderman Witcher and seconded by Alderwoman Ross. On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, the ordinance was amended as follows: *substitute copy provided this date (7/0)*. The public hearing was then recessed until Monday, July 23, 2007, at 7:05 p.m. Pursuant to Alderwoman Robinson's request, the legislation was then held.

O-07-52

AN ORDINANCE AMENDING SECTION 12.22 (MOBILE STORAGE CONTAINERS) OF ORDINANCE NO. 7697 (THE ZONING ORDINANCE); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time June 25, 2007. The ordinance was read a second time. A public hearing was held this date (see above). The public hearing was then recessed until Monday, July 23, 2007, at 7:05 p.m. At the request of the sponsor, Alderman Witcher, the legislation was then held.

NEW BUSINESS

R-07-84 (RESOLUTION NO. 7125 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A NETWORK OPERATING AGREEMENT (NOA) WITH ENTERGY SERVICES, INC. AS AGENT FOR THE ENTERGY OPERATING COMPANIES IN ORDER TO FACILITATE THE TRANSMISSION OF POWER AND ENERGY TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Bryant and seconded by Alderman Hight, and by consent of all members present, with the exception of Alderman Witcher who abstained due to a conflict, the resolution was adopted (6/1).

R-07-85 (RESOLUTION NO. 7126 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A NETWORK INTEGRATION TRANSMISSION SERVICE AGREEMENT (NITSA) WITH ENTERGY SERVICES, INC. AS AGENT FOR THE ENTERGY OPERATING COMPANIES TO FACILITATE THE TRANSMISSION OF POWER AND ENERGY TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderwoman Ross, and by consent of all members present, with the exception of Alderman Witcher who abstained due to a conflict, the resolution was adopted (6/1).

R-07-86 (RESOLUTION NO. 7127 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN ENERGY ATTRIBUTES SALE AGREEMENT WITH GREEN MOUNTAIN ENERGY COMPANY; AND FOR OTHER PURPOSES, was read. After discussion and on the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted (7/0).

Mayor Hays acknowledged State Representative Sharon Dobbins who was present and thanked her for her work during the legislative session wherein she supported legislation to provide assistance on electrical bills to lower income families.

R-07-87 (RESOLUTION NO. 7128 - MAYOR HAYS)

A RESOLUTION DECLARING THE INTENT OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS REGARDING SEWER SYSTEM IMPROVEMENTS PROJECT; AND FOR OTHER PURPOSES, was read. Mr. Gary Mills, Director of Waste Water advised the city has an opportunity to participate in low interest loans for bonds. Sewer system improvements are needed on generators at the treatment plants, replace screens, modifications are needed at Lansbrook, Highway 107 and Maryland East Pump Stations, White Oak Treatment Plant, Interceptor improvements and modifications and Faulkner Lake Treatment Plant Phase III improvements. Mayor Hays advised of a proposed sewer rate increase in the future. Mr. Carter said the intent of this legislation is to meet IRS codes. Mr. Mills has a presentation available for viewing by the Aldermen. The same presentation will be presented at a council meeting in August. Mr. Mills said the increase would be in steps over the next five (5) years. Mayor Hays

said after the increase, North Little Rock rates will still be less than those charged in Little Rock. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, with the exception of Alderman Gaines who voted no, the resolution was adopted (6/1).

Called R-07-89 - accompanying legislation – see below

R-07-88 (RESOLUTION NO. 7130 - MAYOR HAYS)

A RESOLUTION APPROPRIATING \$1,030.05 FROM ACT 833 FUNDS FOR THE PURCHASE OF FURNITURE FOR THE NORTH LITTLE ROCK FIRE DEPARTMENT TRAINING OFFICE; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was adopted (7/0).

***R-07-89 (RESOLUTION NO. 7129 - MAYOR HAYS)*

A RESOLUTION DESIGNATING AND AUTHORIZING THE DIRECTOR OF THE NORTH LITTLE ROCK WASTEWATER TO EXECUTE CERTAIN DOCUMENTS IN CONNECTION WITH THE ARKANSAS CLEAN WATER REVOLVING LOAN PROGRAM ADMINISTERED BY THE ARKANSAS NATURAL RESOURCES COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, with the exception of Alderman Gaines who voted no, the resolution was adopted (6/1).

R-07-90 (RESOLUTION NO. 7131 - MAYOR HAYS, ALDERMEN HIGHT AND WITCHER)

A RESOLUTION APPROPRIATING \$75,000.00 FROM THE DRAINAGE IMPROVEMENT FUND FOR REPAIRS TO LAKEWOOD LILY POND AND DAM NO. 4; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Witcher. Mayor Hays discussed the importance of the lakes and dams for storm water retention. If this dam failed, McCain Boulevard would be temporarily impassable. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (7/0).

R-07-91 (RESOLUTION NO. 7132 - MAYOR HAYS)

A RESOLUTION EXPRESSING SUPPORT FOR PROVIDING A SITE IN THE CITY OF NORTH LITTLE ROCK FOR THE HISTORIC ARKANSAS MERCI TRAIN; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO WORK WITH THE AMERICAN LEGION REGARDING THE RELOCATION; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Bryant and seconded by Alderman Hight. On the motion of Alderman Bryant and seconded by Alderwoman Ross, and by consent of all members present, the resolution was amended as follows: *attached Exhibit "A" provided this date* (map illustrating location of Merci Train) (7/0). Mayor Hays advised a box car of various French products was given to each of the 48 United States (at the time), to express the appreciation of the French for assistance provided during WWII. The North Little Rock History Commission

and Sandra Taylor Smith have been working with the American Legion on this project. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was adopted as amended (7/0).

R-07-92 (RESOLUTION NO. 7133 - ALDERMAN HIGHT)

A RESOLUTION ESTABLISHING A TASK FORCE TO PURSUE DESIGNATION OF NORTH LITTLE ROCK AS A "BICYCLE FRIENDLY COMMUNITY" BY THE LEAGUE OF AMERICAN BICYCLISTS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Witcher. Mayor Hays said North Little Rock continues to receive accolades for the bike trails. On the motion of Alderman Hight and seconded by Alderman Bryant, and by consent of all members present, the resolution was amended as follows: *substitute copy provided this date changing Section 1: b) (vi)* (7/0). On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was again amended as follows: *add new Section 1: b) (vii)* THE PRESIDENT OF CENTRAL ARKANSAS RECREATIONAL PEDDLERS (CARP) OR A REPRESENTATIVE APPOINTED BY THE PRESIDENT OF CARP (7/0). On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted as amended (7/0). On the motion of Alderman Bryant and seconded by Alderman Gaines, and by consent of all members present, Alderman Hight was named chair of the task force (7/0). Alderman Hight advised a meeting will be held at noon, Friday, July 13, 2007, in the Mayor's Office.

O-07-61 (ORDINANCE NO. 7962 - MAYOR HAYS)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR UPGRADING THE 911 SYSTEM FOR THE CITY OF NORTH LITTLE ROCK; APPROPRIATING FUNDS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The ordinance was read a third and final time. Mr. Rick Ezell, Director of Emergency Services reviewed the upgrade. On the motion of Alderman Witcher and seconded by Alderman Bryant, and by consent of all members present, the ordinance was amended as follows: *substitute copy provided this date including applicable taxes* (7/0). Alderman Witcher asked about relocating the 911 center due to its proximity to the rail yards. Mayor Hays and Mr. Ezell have discussed this. It would be expensive to relocate the center. On the motion of Alderman Parker and seconded by Alderman Bryant, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted as amended (7/0). Emergency clause adopted (7/0).

O-07-62 (ORDINANCE NO. 7963 - MAYOR HAYS)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR EXTRICATION EQUIPMENT WITH ADAPTER TOOLS FOR THE NORTH LITTLE ROCK FIRE DEPARTMENT; APPROPRIATING \$42,510.30 FROM ACT 833 FUNDS; DECLARING AN

EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Bryant, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Bryant and seconded by Alderman Hight, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The ordinance was read a third and final time. Fire Chief Joe McCall said the purchase would include two (2) large extrication units. The current extrication equipment is worn out. On the motion of Alderwoman Ross, and seconded by Alderman Bryant, and by consent of all members present, the ordinance was amended as follows: *substitute copy provided this date including applicable taxes* (7/0). On the motion of Alderman Bryant, and seconded by Alderman Gaines, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted as amended (7/0).

O-07-63 (ORDINANCE NO. 7964 - ALDERMAN THOMAS)

AN ORDINANCE ALLOWING AN OFF-PREMISE SIGN FOR CERTAIN REAL PROPERTY LOCATED SOUTHWEST OF THE INTERSECTION OF HIGHWAY 165 AND CAMPBELL ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Thomas and seconded by Alderman Bryant, and by consent of all members present, with the exception of Alderman Witcher who voted no, the rules were suspended and the ordinance was placed on its second reading (6/1). Alderman Thomas said a new subdivision is being developed. Due to its location, signage is needed to advertise the location which is obscured. The ordinance was read a second time. On the motion of Alderman Thomas and seconded by Alderman Bryant, and by consent of all members present, with the exception of Alderman Witcher who voted no, the rules were again suspended and the ordinance was placed on its third and final reading (6/1). The ordinance was read a third and final time. Mr. Joe (inaudible) spoke for the applicant, Triple J Builders. Signage is needed and would be temporary. On the motion of Alderman Hight and seconded by Alderman Gaines, and by consent of all members present, the ordinance was amended as follows: *Section 2. add (e) THE SIGN WILL BE REMOVED WITHIN 12 MONTHS OF PASSAGE OF THIS ORDINANCE* (7/0). On the motion of Alderman Thomas and seconded by Alderman Bryant, and the roll having been called, and all members present having voted in the affirmative, with the exception of Alderman Witcher who voted no, the ordinance was adopted as amended (6/1). On the emergency clause, all members present voted in the affirmative, with the exception of Alderman Witcher who voted no, it was adopted (6/1).

PUBLIC COMMENTS-----

Alderman Thomas asked about fire works complaints. Chief Bradley said they were down city-wide. Alderman Thomas said they were bad in his neighborhood and bothered his wife's asthma. He asked if he could hire an off-duty police officer to work in his area next time. Alderman Bryant commended Mrs. Karen Trevino, Advertising and Promotion, the city Revenue Office and the City Clerk's Office on a recent guide to doing business in North Little Rock. Alderman Hight congratulated Parks and Recreation Director Bob Rhoads who was married over the weekend on 7-7-07 at 7:07 a.m. on the North Little Rock side of the Big Dam

Bridge. Mrs. Harris said a North Little Rock Police Officer had a covenant marriage on 7-7-07. Alderwoman Ross announced the Grand Opening / Fund Raiser fish fry for the Police Athletic League Levy Youth Leadership Academy on July 31, 2007, from 5:00 - 8:00 p.m. at 1009 West 34th Street. Chief Bradley will speak at 5:30 p.m. Donations are \$10.00 for adults and \$5.00 for children under 10. Ms. Whitbey announced an educational workshop to be hosted by

North Little Rock Neighborhood Service on Saturday, August 4, 2007, from 8:00 a.m. until 12:30 p.m. in the Council Chambers in City Hall. Seating is limited. The pre-registration deadline is Monday, July 23, 2007. Topics will include Meth Lab Education, Turning the Neighborhood Around, Gangs and the Police Athletic League (PAL). Applications can be obtained in the lobby of City Hall. Miss Kyra Brown is a native of North Little Rock, attends college in Atlanta, Georgia, and is a former member of the Mayor's Youth Council. She is an activist and a messenger for the youth of the Baring Cross area. The youth want a neighborhood recreational center where they can develop their talents and skills. Ms. Michelle Strickland is Kyra's mother, a certified teacher and an activist. They want to raise awareness of the needs of the youth in the Baring Cross neighborhood. A safe and assessable recreation site is needed. A place where computers could be available along with mentors. Darrin Holcomb is a new resident of North Little Rock. Children are the future. During the hours between 3 - 6:00 p.m. the youth are exposed to crime and other situations. If there was a recreation center available to them, they would have a place to go where they would not be at risk. Mrs. Eartha Dobbins spoke for the NAACP. They have worked with Ms. Brown and the youth and said they are sincere in their request. Mayor Hays thanked everyone for being present and encouraged a representative to contact Mr. Steve Nawojczyk in his office. Mr. Mark George owns property in the Pike Avenue area which has flooded twice in the past week. He said part of the problem was a clogged drain and was told it is on railroad property and the responsibility of the railroad. He spoke with a representative of the railroad and who said they had no problem with the city cleaning out the drain. Mayor Hays will visit with Mr. George. Mr. (inaudible) Woods lives in one of Mr. George's apartments. He has been flooded twice now and his belongings are ruined. Is the city going to provide compensation? Mary Cummins lives in North Little Rock. She spoke regarding the need for bicycle lanes in North Little Rock. She was riding her bike earlier and was struck by a car from behind. Her bike is her transportation. She also asked the council to provide a place for the youth in Baring Cross. Mr. (inaudible) Jefferson said his apartment flooded again today and asked the city to make some changes to keep this from happening again. Ms. Dorothy St. Clair is a tenant of Mr. George and said they are tired of their property being flooded. Mr. James Lawson lives in Argenta. His boys use the Sherman Park Recreation Center and support a Recreation Center in the Baring Cross Neighborhood. Renovations were made at Sherman Park recently, however the roof in the gym leaked during the heavy rains and the children attending summer camp had to be moved.

There being no further business to come before the Council, and on the motion of Alderman Bryant and seconded by Alderman Hight, and by consent of all members present, the meeting adjourned at 9:20 p.m. (7/0), until the next regularly scheduled meeting to be held on Monday, July 23, 2007, at seven o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS
ATTEST: DIANE WHITBEY, CITY CLERK